

**BEFORE THE FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of EAS Third Report and Order)))))	EB Docket No. 04-296
To: The Commission)	

COMMENTS OF THE BROADCAST WARNING WORKING GROUP (BWWG) ON:

**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SEEKS COMMENTS REGARDING
EQUIPMENT AND OPERATIONAL ISSUES IDENTIFIED FOLLOWING THE FIRST NATIONWIDE TEST
OF THE EMERGENCY ALERT SYSTEM**

I. Preface

The Broadcast Warning Working Group (BWWG) core membership consists of hands-on Emergency Alert System (EAS) subject experts from the fields of broadcast association management, broadcast radio and television engineering management and support, radio and television news, industry technical publication, and state EAS Committee leadership. The BWWG hosts a website, the EAS Forum at:

[<http://eas.radiolists.net/>]

II. Thrust of BWWG Comments in This Matter

The BWWG will not attempt to address all the questions at this time. We believe the REPLY COMMENT period and the work of the current Communications Systems Security Reliability and Interoperability Council (CSRIC) and vendor – to – vendor discussions must all be factored into a final equation that can be solved.

III. The basic purpose of an EAS EAN has remained unchanged since 1951

Our government addressed the issue of reinforcing public confidence in the continuity of government using public messaging after identifying that a viable successful challenge to the stability of government during the Cold War era was possible. The first public message delivery system to best assure as many members of the public as possible that the government was indeed intact was in the CONELRAD (Control of Electromagnetic Radiation) alerting system launched in 1951. The Emergency Broadcast System (EBS), successor to CONELRAD, had the same purpose. Ostensibly and demonstrably, the need to assure a public that our government is alive and functional remains. Today, the EAS EAN is an essential (albeit last ditch) means to help counter effects of terrorism. Our government and all EAS stakeholders have invested time, effort, and dollars to strengthen the Primary Entry Point (PEP) system and reinforce PEP relay with the Premier Network PEP relay agreement.

IV. We Hope and Pray that a Real EAN Will Never be Issued, but....

FEMA came up with PEP after reviewing studies on resilience of all available means to communicate with the American public. PEP was and remains the best means to reach the largest number of the American public if, and only if, traditional means fail or become compromised; it is far easier and more effective to arrange coverage on the growing number of commercial networks and social media. If all of the usual means to reach a large American public audience are not available, PEP, using a backbone of AM radio stations, and backed up by network relays, will literally be the only game in town.

V. Application of EAS Header Code Elements to a Presidential Alert, and the Danger of Delay

The BWWG believes that most EAS subject experts, considering that an EAN is a “last ditch” national warning to a public at risk, should never interpret this to mean that the EAN warning code should ever be a “hold for release” warning. Indeed, most EAS experts, including a leading EAS equipment manufacturer’s representative, believe that any delay between receipt and relay runs contrary to the mission and import of the EAN code.

VI. Timing is Everything

To the BWWG, the Commission’s question, “What impact, if any, a discrepancy between the time an EAN is received by an EAS Participant and the Time of Release indicated in the Header Code would have on the public’s ability to obtain important information from the President in an actual emergency?” deserves mention here. This question, however, begs the obvious and in the BWWG’s opinion, the correct answer: The negative impact of any delay, should a real EAN ever be issued, could be significant. Looking at the name that FEMA has given to its Common Alerting Protocol (CAP) implementation, “Integrated Public Alert and Warning System (IPAWS)”, it is BWWG’s hope that the common goal for the EAN code should be an immediate public warning philosophy that lives up to the name. The underpinnings of this philosophy act to not only get timely protective actions to a public at risk, but also fulfill a key original goal of Presidential level warnings dating back to EBS and CONELRAD to provide assurance to the American public of continuity of government. Coordination, clarity and timeliness - are keys to this messaging goal.

VII. Careful Codification of All Things EAS is Needed at All Levels

The Federal partners need to codify overall EAN attributes and protocols. However, in this current matter, we know the Commission must likewise codify those attributes carefully and clearly in Part 11 for EAS participants to better assure success for all EAN outcomes, including tests. This careful codification is essential for the needs of the Commission’s licensed EAS Participants and for all the cost/benefit equations that must be solved for (and by) the equipment manufacturers that support the EAS EAN mission as we see it: *Delivering the FEMA EAN “content” in a timely and intact way to a public at risk, at times when traditional media cannot reach the public because these channels have been compromised and/or disabled.*

VIII. We Need a Special National EAN Distribution Code, and the Commission Can Make it Happen

The EAS protocols for distribution are based on FIPS¹ codes. While the FCC cannot create a new FIPS code, there is nothing to prevent the Commission from creating a unique “000000” EAN countrywide code on its own. The BWWG hopes that Reply Comments will support a suggestion voiced in current CSRIC

¹ Federal information processing standards codes (FIPS codes) are a standardized set of numeric or alphabetic codes issued by the National Institute of Standards and Technology (NIST) to ensure uniform identification of geographic entities through all federal government agencies.

discussions by key EAS subject experts as an important means to help assure uniformity in the response of all FCC – Certified EAS decoders. Such a code could also help implement a program to use the NPT EAS code (National Primary Test) to test basic propagation and pave the way for the next live code EAN test, and as a way to give our government ongoing assurance that the system will work when needed.

IX. Overall Conformance is the Door to the Future of EAS, and CSRIC is the Key to that Door

The Commission asked many questions in this item that have deep levels of technical detail. In this short Comment period, the best the BWWG can do is a plea to the Commission to make overall EAS equipment conformance their highest Rulemaking priority. This needs to be done before there is any thought of another EAN live code test. Many of the issues are being addressed in the current Communications Systems Security Reliability and Interoperability Council (CSRIC). Three members of the BWWG are serving on CSRIC subcommittees. The hard work to develop the most timely, effective and cost-effective answers the Commission is looking for is now in progress. In all likelihood the CSRIC process will yield reports that can go into those technical details in a meaningful with useful guidance and suggestions to the Commission.

X. Conformance: All EAS Equipment Must Be 100% Interoperable to Fulfill the Mission

The BWWG not only supports the vital work of CSRIC, but looks to the EAS equipment manufacturers to supply workable interoperable outcomes that will give the Federal EAS Partners the best possible assurance of not only successful testing, but assurance that an integral part of our government's continuity planning will be ready in the event it is needed.

XI. Testing Between Live Code EAN Tests

The BWWG suggests that the Commission designate the NPT code as a "no fault" reporting code with the intent of reporting results using email messaging already implemented in current EAS equipment. The BWWG is well aware that this suggestion is extremely controversial. We hope that our idea deserves a liability/benefit analysis in discussions before the Commission makes its changes in Part 11 for EAN improvements. Assurance of EAN propagation is only one part of needed changes to Part 11, but we feel it is an important part.

XII. Recommendations

- A. We call for overall EAS equipment conformance and interoperability managed by the Commission and clear codification of all things EAS in Part 11.
- B. CSRIC and other parties will submit reports vital to accomplish these goals in meaningful ways that can really improve the overall warning process by reinforcing the national value of the EAS.
- C. We further recommend that the Commission set a reasonable period for broadcasters and cable operators to acquire any new equipment, or accomplish equipment upgrades to ensure the system is able to deliver clear, timely and effective warnings and information when needed.